

REMARKS

Claims 1 – 29 are pending. Claims 9, 11, 12, 13, 17, and 29 have been amended. No new matter has been added. Reexamination and reconsideration of the present application are respectfully requested.

Claims 8 – 17 and 24 – 29 were allowed. The Examiner rejected claims 1, 4, 18, and 21 under 35 U.S.C. 102(b) as being “clearly anticipated” by U.S. Patent No. 6,041,411 to Wyatt (Wyatt). Independent claim 1 recites a “first fingerprint being computed based on the protected portion of the program,” and a “second fingerprint being computed based on the protected portion of the program.” Wyatt discloses a “first unique fingerprint derived from predetermined hardware attributes of the computing system, including but not limited to the serial number of one or more components in the client computer (e.g. a network card).” (Wyatt, Col. 11, Lines 16 – 20). Wyatt further discloses a second unique digital fingerprint generated using the same algorithm used to generate the first fingerprint. (Wyatt, Col. 11, Lines 31 – 35). That is, both the first and second digital fingerprints in Wyatt are based on predetermined hardware attributes of the computing system. Thus, Wyatt does not teach fingerprints based on a “protected portion of the program” as recited by independent claim 1 because the fingerprints in Wyatt are based on the computer hardware rather than the program. Therefore, Applicant respectfully submits that independent claim 1 distinguishes over Wyatt.

Independent claims 4, 18, and 21 recite limitations similar to independent claim 1. Thus, Applicant respectfully submits that independent claims 4, 18, and 21 distinguish over Wyatt for the same reason discussed above with regard to independent claim 1.

The Examiner rejected claims 6, 7, and 23 under 35 U.S.C. 102(a) as being unpatentable over Wyatt as applied to claim 1, and further in view of the examiner taking official notice. Claims 6 and 7 depend from independent claim 4, which recites limitations similar to independent claim 1. Thus, Applicant respectfully submits that claims 6 and 7 distinguish over Wyatt for the reason discussed above with regard to independent claim 1. Claim 23 depends from independent claim 21, which recites limitations similar to independent claim 1. Thus, Applicant respectfully submits that claim 23 distinguishes over Wyatt for the reason discussed above with regard to independent claim 1.

The Examiner objected to claims 2, 3, 5, 19, 20, and 22 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant respectfully requests that the Examiner withdraw his objection to these dependent claims in light of the above arguments with regard to independent claims 1, 4, 18, and 21.

Applicant believes that the foregoing remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: April 19, 2005

By: _____

Roger Wise

Registration No. 31,204

Attorney for Applicant(s)

By: _____

Ryan E. Hatch

Registration No. 55,252

Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033